

Chairman Vap called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Lowell Johnson, and Rod Johnson present and Commissioners Frank Landis and Gerald Vap excused.

#### GENERAL ADMINISTRATION

Notice was duly published July 20, 2004, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 27, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, July 27, 2004:

NUSF-39/ Commission Hearing Room, Lincoln.  
C-3186 Orbitcom, Inc., Sioux Falls, South Dakota, seeking designa-  
1:30 tion as an eligible telecommunications carrier that may  
receive federal and state universal service support. Com-  
missioner Rod Johnson chairing.

#### COMMUNICATIONS DEPARTMENT

FC-1308 In the Matter of Tracy Corporation II, d/b/a Telemetrix  
Technologies, Gering, versus United Telephone of the West,  
d/b/a Sprint, Overland Park, Kansas, regarding a dispute of services  
offered under an interconnection agreement: Motion made by Commis-  
sioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter  
an order dismissing the complaint. Motion passed with Commissioners  
Anne Boyle, Lowell Johnson, and Rod Johnson voting AYE, Commissioners  
Frank Landis and Jerry Vap Excused Not Voting.

C-3095 In the Matter of Qwest Corporation, Denver, Colorado, seek-  
ing arbitration to resolve issues relating to interconnec-  
tion rates, terms, conditions and related arrangements with AT&T Com-  
munications of the Midwest, Inc. and TCG Omaha, Denver, Colorado:  
Motion made by Commissioner Lowell Johnson, seconded by Commissioner  
Anne Boyle, to enter an order approving the Arbitrator's decision.  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Rod  
Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused  
Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3204 In the Matter of Sprint Communications, L.P., Overland Park, Kansas, seeking approval of an amendment to its Certificate of Public Convenience and Necessity to provide local exchange telecommunications service in all exchanges within the State of Nebraska in which Sprint is not currently certificated: Gene Hand informed the Commission that a Motion for Prehearing Conference had been received from Southeast Nebraska Telephone Company. Sprint has filed an amendment to its application in response to the previously filed motion to dismiss. A Prehearing Conference was scheduled for August 20, 2004, at 10:00 a.m. in the Commission Hearing Room, Lincoln. The telephone conference bridge number is 402-472-6899. Commissioner Frank Landis will preside as Hearing Officer.

C-3224 In the Matter of Acceris Communications Corp., San Diego, California, seeking authority to provide resold and facilities-based UNE-P local exchange telecommunications services in the State of Nebraska: Gene Hand informed the Commission that a Petition for Formal Intervention had been received from the Rural Independent Companies.

C-3228 In the Matter of Time Warner Cable Information Services (Nebraska) LLC, d/b/a Time Warner Cable, Stamford, Connecticut, seeking a certificate of authority to provide local and inter-exchange voice services within the State of Nebraska: Gene Hand informed the Commission that the protest period ended July 21, 2004, and that Petitions for Formal Intervention had been received from Nebraska Telecommunications Association; Hemingford Cooperative Telephone Company; Southeast Nebraska Telephone Company, the Rural Independent Companies; Alltel Nebraska; Benkelman Telephone Company; Arapahoe Telephone Company; Cozad Telephone Company; Curtis Telephone Company; Diller Telephone Company; Glenwood Telephone Membership Corporation; Keystone-Arthur Telephone Company; Wauneta Telephone Company; Hartman Telephone Company; Mainstay Communications and Qwest Corporation: Gene Hand informed the Commission that the Rural Independent Companies, Hemingford Cooperative Telephone Company and Southeast Nebraska Telephone Company have filed Motions for a Prehearing Conference. A Prehearing Conference was scheduled for August 5, 2004 at 1:30 p.m. in the Commission Hearing Room, Lincoln. The telephone conference bridge number is 402-472-6290. Commissioner Frank Landis will preside as Hearing Officer.

Gene Hand informed the Commission that the Indiana Utility Regulatory Commission had opened a Post-TRO investigation.

Gene Hand informed the Commission that the Federal Communications Commission has adopted interim rules for unbundled network elements.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that the Federal Communications Commission entered an order that eliminated its pick-and-choose rule.

Gene Hand informed the Commission that 32 state attorneys general had signed onto an agreement settling an investigation into allegations that Cingular Wireless, LLC, Sprint PCS, and Verizon Wireless had deceived their customers.

Gene Hand informed the Commission that at the end of the Regional Oversight Committee meetings in Missoula, Montana, there may be a one-day workshop on September 14, 2004, on Inter-carrier Compensation.

Shana Knutson discussed the proposed letter to Frank Daley, Executive Director of the Accountability & Disclosure Commission, describing the requirement to register with the PSC any automatic dialing announcing devices used for campaign purposes.

UNIVERSAL SERVICE FUND

NUSF-37.30 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund, Complainant, vs. LDMI Telecommunications, Inc.: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to grant an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Rod Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting.

Jeff Pursley reported on late-filed Carrier Remittances: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to levy late fees against Arizona Telephony Brokers and CIMCO Communications; that complaints be brought against American Farm Bureau and CTC Communications and the current complaint against Electric Lightwave, Inc. be amended to include the June, 2004 late-filed worksheet. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Rod Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley discussed the Second Erratum Hearing Officer's Order entered July 23, 2004, correcting Appendix A.

E911 DEPARTMENT

PSAP-035 In the Matter of Fillmore County, Geneva, seeking funding approval for recurring and non-recurring costs of wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Rod Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting.

Kara Thielen informed the Commission that the Wireless E911 Advisory Board meeting was scheduled for August 13, 2004 at 10:00 a.m. in the Commission Library, Lincoln. The telephone conference bridge number is 402-472-6296.

Kara Thielen informed the Commission that the E911 Sur-charge hearing was scheduled for September 8, 2004 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson will preside as Hearing Officer.

NATURAL GAS DEPARTMENT

In the Matter of the Kinder Morgan Tariff - (Revisions to Rate Schedules CGS and ACGS) - Complaint and Petition of ONEOK Energy Marketing, seeking suspension of proposed tariff changes and petitioning the Commission to open an investigation: ONEOK Energy Marketing Company filed a Complaint and Petition on July 23, 2004, asking the Commission to open an investigation and suspend the proposed tariff changes. Laura Demman informed the Commission that Kinder Morgan notified the staff that by July 30, 2004, it intends to file replacement tariff sheets with an effective date of September 1, 2004.

GRAIN WAREHOUSE DEPARTMENT

John Fecht reported that there are five grain warehouse licenses that have not been renewed due to background checks.

John Fecht reported that there are 30 grain warehouse bonds not filed for the two cent increase for review of financial statements.

Grain Dealer Division

John Fecht reported that there are 12 grain dealer licenses that have not been renewed due to background checks.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to appoint the following individuals to the Manufactured Home and Recreational Vehicle Ad-Hoc Committee. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting.

Mr. James Harper, P.E. City of Hastings 220 North Hastings Avenue Hastings, NE 68901	Building Official
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Mr. Doug Fillingham Magnolia Homes Post Office Box 657 Gering, NE 69341	Manufactured Home Manufacturer
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Mr. Martin Huff, Executive Director Nebraska Manufactured Housing Association 5300 West "O" Street Lincoln, NE 68528	Manufactured Home Retailer
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Mr. Tim Powers, Manager Contempo Lincoln 301 North 1st Street Lincoln, NE 68521	Manufactured Home Park Operator
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Mr. Terrence Werth, Engineer King of the Road 1313 Road G York, NE 68467	Recreational Vehicle Manufacturer
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Mr. Ray Vance A.C. Nelson 11818 'L' Street Omaha, NE 68137	Recreational Vehicle Retailer
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Mr. Dave Queen, Owner Camp-A-Way 200 Campers Circle Lincoln, NE 68521	Recreational Vehicle Park Owner
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TRANSPORTATION DEPARTMENT

B-1645      In the Matter of R & A Transport, LLC, York, seeking to acquire, through transfer, the authority granted to Raymond L. Eichman, York, in Certificate B-1483: The hearing previously scheduled for July 28, 2004, was cancelled. The application will be processed by modified procedure.

TRANSPORTATION DEPARTMENT (Cont.)

B-1648 In the Matter of A Class Act Limousine Service, Inc.,  
Omaha, seeking to change an existing operation through  
transfer of the authority granted to A Class Act Limousine Service, a  
Nebraska partnership, in Certificate B-1538: Motion made by Commis-  
sioner Lowell Johnson, seconded by Commissioner Anne Boyle, to grant  
the application and revoke Certificate B-1538. Motion passed with  
Commissioners Anne Boyle, Lowell Johnson, and Rod Johnson voting AYE,  
Commissioners Frank Landis and Jerry Vap Excused Not Voting.

B-1649 In the Matter of AmeriStar Tours, LLC, Scottsbluff, seeking  
to acquire, by transfer, the authority granted to Donald D.  
Reichert, dba Good Tyme Charter, in Certificate B-1308: Motion made  
by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson,  
to grant the application and revoke Certificate B-1308. Motion passed  
with Commissioners Anne Boyle, Lowell Johnson, and Rod Johnson voting  
AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting.

Rate Division

TR-134 In the Matter of OTIT, Inc., dba City Taxi, Columbus,  
seeking authority to increase its taxi rates: Motion made  
by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson,  
to grant the application. Motion passed with Commissioners Anne  
Boyle, Lowell Johnson, and Rod Johnson voting AYE, Commissioners Frank  
Landis and Jerry Vap Excused Not Voting.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska  
Motor Carriers Association, Lincoln, seeking authority to  
establish a fuel surcharge in Nebraska Official Household Goods Tariff  
7-F: The fuel surcharge was retained at 24 cents per mile and the  
taxi surcharge at 45 cents per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by  
Commissioner Lowell Johnson to approve the following invoices:  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod  
Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused  
Not Voting.

DAS-Communications	\$ 2,968.32
DAS-Materiel	4,988.22
Larry Fauss	800.00
Donald Gray	702.34
Lowell Johnson	612.70
Rod Johnson	356.26

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to approve Commission minutes for the month of June 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to authorize Jim Hames to attend an MP&E Workshop to be held in Kansas City, Missouri, from August 30 to September 3, 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting.

Andy Pollock reported that Jim had been certified to perform freight car inspections.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Lowell Johnson to attend the TRS Advisory Council Meeting to be held in Charleston, South Carolina, from September 8-10, 2004, with expenses to be paid by the National Exchange Carrier Association (NECA).

John Burvainis reported on a plan to assemble and approve the Commission biennial budget and timeline for the plan.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to go into closed session to discuss personnel matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting. The Commission went into closed session at 10:32 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson voting AYE, Commissioners Frank Landis, Jerry Vap Excused Not Voting. The Commission returned to 10:37 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to authorize Andy Pollock to make an offer for the part-time motor transportation investigator position. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson voting AYE, Commissioners Frank Landis and Jerry Vap Excused Not Voting.

Commissioner Anne Boyle discussed support for the renomination of Jonathan Adelstein for a second term as FCC Commissioner.

The meeting adjourned at 10:40 a.m. with Commissioners Boyle, Lowell Johnson, and Rod Johnson present and Commissioners Landis and Vap excused. The next regularly scheduled meeting will be held on August 3, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 2, 2004.

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Chairman

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Executive Director